

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Joseph Kirkshaw Stewart

Docket No. 5:11-CR-225-1BO

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Joseph Kirkshaw Stewart, who, upon an earlier plea of guilty to 18 U.S.C. §§ 922(j) and 924(a)(2), Possession of a Stolen Firearm, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on June 7, 2012, to the custody of the Bureau of Prisons for a term of 30 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court. Joseph Kirkshaw Stewart was released from custody on August 30, 2013, at which time the term of supervised release commenced. As a result of testing positive for cocaine on September 3, 2013, the court modified the conditions of supervision to include the following:

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 6, 2014, the defendant submitted a urine sample that tested positive for benzodiazepine and cocaine. When confronted with the results, he acknowledged that he used both substances on October 5, 2014. He reports that he took a Valium that was not prescribed to him for back pain. He has been instructed to only take medication that is prescribed to him. In reference to the cocaine use, we have again referred him to substance abuse counseling. We have increased urine testing through the Surprise Urinalysis Program. To give him a punitive sanction for this conduct, we are recommending that the conditions of supervision be modified to include 60 days of home detention with electronic monitoring.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education,

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religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: October 6, 2014

ORDER OF COURT

Considered and ordered this 7 day of October, 2014, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge